

Mark S. Geston, ISB #1346
e-mail: msgeston@stoel.com
L. Jeff Severson, ISB #6392
e-mail: ljseverson@stoel.com
STOEL RIVES LLP
101 S. Capitol Blvd, Ste 1900
Boise, ID 83702
Telephone: (208) 389-9000
Fax Number: (208) 389-9040

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FEE PAID
R# 16944

Attorneys for Defendant Tulsa Aircraft Engines, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

BROOK NEF, and NEF FLYING
SERVICE, INC., an Idaho corporation,

Plaintiffs,

v.

ENGINE COMPONENTS, INC., a foreign
corporation; TULSA AIRCRAFT
ENGINES, INC., a foreign corporation;
AIRCRAFT CYLINDERS OF AMERICA,
INC., a foreign corporation,

Defendants.

Case No. **CIV 04-362-E-MHW**

NOTICE OF REMOVAL

Defendant Tulsa Aircraft Engines, Inc. ("Tulsa"), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, without waiving any defenses, serves notice of removal of this cause from the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Bonneville, and respectfully shows as follows:

1. Plaintiffs' Complaint and Demand For Jury Trial ("Complaint") was filed on June 3, 2004 in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Bonneville, and captioned as Case No. CV-04-3210.

2. Plaintiffs served a copy of the Complaint on Tulsa on June 15, 2004. The Complaint has been on file for less than one (1) year.

3. Pursuant to 28 U.S.C. § 1446(a) and D. Idaho L. Civ. R. 81.1, Tulsa has attached as Exhibit "A," to the Affidavit of L. Jeff Severson, all the state court process, pleadings, and orders served upon them, as well as a copy of the docket sheet. (*See* Ex. "A" to Affidavit of L. Jeff Severson ("Severson Aff.") at ¶ 2.) Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days after receipt by Tulsa of the Complaint. Pursuant to 28 U.S.C. § 1446(d), Tulsa has served a copy of this Notice on Plaintiffs and on the Clerk of the District Court of the Seventh Judicial District for the State of Idaho, in and for the County of Bonneville.

4. The present case is removable pursuant to 28 U.S.C. § 1332, diversity jurisdiction.

5. To confer subject matter jurisdiction on this Court based on diversity jurisdiction, the action must be brought "between citizens of different States" or "citizens of a state and citizens or subjects of a foreign state." 28 U.S.C. § 1332 (a)(1) & (2). Moreover, the amount in controversy between the parties must exceed the sum or value of \$75,000 exclusive of interest and costs. 28 U.S.C. § 1332(a).

6. Based on information and belief, Plaintiff Brook Nef is an individual residing in Bonneville County, Idaho.

7. Based on information and belief, Plaintiff Nef Flying Service, Inc. is an Idaho corporation with its principal place of business in Bonneville County, Idaho.

8. Based on information and belief, Defendant Engine Components, Inc. is a Delaware corporation with its principal place of business in San Antonio, Texas.

9. Defendant Tulsa Aircraft Engines, Inc. is an Oklahoma corporation with its principal place of business in Oklahoma.

10. Based on information and belief, Defendant Aircraft Cylinders of America, Inc. is an Oklahoma corporation with its principal place of business in Tulsa, Oklahoma.

11. Each Plaintiff's state of citizenship is diverse from each Defendant's state of citizenship.

12. Plaintiffs' Complaint seeks a judgment against each Defendant in the amount of at least \$150,000.00 for alleged destruction of their aircraft and at least \$1,100,000.00 for alleged loss of business and income. (See Compl. at ¶¶ 25, 30, 35, 40, 44, 48, 51, 54, 58 and 62).

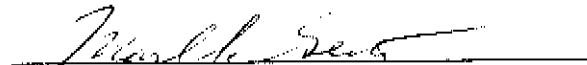
13. Therefore, based on Plaintiffs' Complaint, the amount in controversy exceeds \$75,000.00.

14. All defendants who have been served in this case, of which Tulsa is aware or should be aware, have consented to this removal. A consent to removal from Engine Components, Inc. is attached as Exhibit "B" to the Affidavit of L. Jeff Severson in Support of Notice of Removal filed concurrently herewith.

WHEREFORE, because there is complete diversity of citizenship between the parties and the amount in controversy, exclusive of interest and costs, is in excess of \$75,000.00 for Plaintiffs, Tulsa respectfully requests this Court to assume full jurisdiction over this action as provided by law.

DATED: 12 Jan, 2004.

STOEL RIVES LLP



Mark S. Geston

L. Jeff Severson

Attorneys for Defendant Tulsa Aircraft
Engines, Inc.

CERTIFICATE OF SERVICE


The undersigned, a resident attorney of the State of Idaho, with offices at 101 S. Capitol Boulevard, Suite 1900, Boise, Idaho, certifies that on the 12 day of July, 2004, he caused a true and correct copy of **NOTICE OF REMOVAL** to be forwarded with all required charges prepared, by the method(s) indicated below, to the following:

Alan C. Stephens, Esq.
THOMSEN STEPHENS LAW OFFICE
2635 Channing Way
Idaho Falls, ID 83404
Fax: (208) 522-1277
Attorney for Plaintiffs

Hand Delivery ☐
U.S. Mail ☒
Fax ☐
Overnight Courier ☐

Howard Burnett
Hawley Troxell Ennis & Hawley LLP
333 S. Main St.
P.O. Box 100
Pocatello, ID 83204
Fax: (208) 233-1304
Attorneys for Defendant Engine Components, Inc.

Hand Delivery ☐
U.S. Mail ☒
Fax ☐
Overnight Courier ☐



Mark S. Geston